

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 DHA-02 L-03 CIAE-00 DODE-00 PM-04 H-02

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R 011115Z DEC 76

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 6681

C O N F I D E N T I A L SECTION 1 OF 2 BANGKOK 32693

E.O. 11652: GDS

TAGS: SHUM, MASS

SUBJECT: HUMAN RIGHTS OBSERVANCE REPORT

REF: A) STATE A-5066, OCTOBER 18, 1976, B) STATE 288270

SUMMARY: IN ACCORDANCE WITH INSTRUCTIONS IN REFS
EMBASSY HAS RE-WRITTEN ITS PREVIOUSLY-SUBMITTED HUMAN RIGHTS
OBSERVANCE REPORT ON THAILAND, TO REFLECT CHANGES FLOW-
ING FROM THE SEIZURE OF POWER BY THE THAI MILITARY
AUTHORITIES ON OCTOBER 6, 1976. THE NEW VERSION OF
THE REPORT APPEARS BELOW. END SUMMARY:

THAILAND

I. POLITICAL SITUATION

A. THAILAND'S GOVERNMENT IS A CONSTITUTIONAL MONARCHY
WHICH FUNCTIONS THROUGH A CABINET, ADVISORY NATIONAL
LEGISLATURE, AND A HIGHLY CENTRALIZED ADMINISTRATIVE
SYSTEM. THE KING, WHO IS CHIEF OF STATE, HAS LITTLE
DIRECT POWER BUT IS A POPULAR SYMBOL OF NATIONAL UNITY
AND IDENTITY. MOREOVER, IN VIEW OF THE WIDESPREAD
RESPECT IN WHICH HE IS HELD, HE EFFECTIVELY
EXERCISES BROAD INFLUENCE ON THE POLITICAL SITUATION,
THOUGH IN MANY CASES IT IS DIFFICULT TO SPECIFY
PRECISELY HOW MUCH EFFECT HE HAS HAD ON A GIVEN

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DEVELOPMENT.

B. THAILAND'S PRESENT CONSTITUTION, PROMULGATED BY THE KING ON OCTOBER 22, 1976, IS THE 12TH THE COUNTRY HAS KNOWN SINCE THE ABSOLUTE MONARCHY WAS OVERTHROWN IN 1932. IT PROVIDES FOR A NATIONAL ADMINISTRATIVE REFORM ASSEMBLY (NARA) OF BETWEEN 300 AND 400 MEMBERS APPOINTED BY THE KING FOR A TERM OF FOUR YEARS. ON NOVEMBER 20 THE KING APPOINTED 340 PERSONS AS MEMBERS OF THE NARA. OF THESE 29 HAS SERVED AS MEMBERS OF THE POPULARLY-ELECTED ASSEMBLIES OF PREVIOUS GOVERNMENTS. THE CONSTITUTION SPECIFIES THE ROLES OF THE CABINET AND OF THE ADVISORY NATIONAL ADMINISTRATIVE REFORM ASSEMBLY, GIVING BROAD POWERS TO THE PRIME MINISTER.

C. THE PRESENT THAI GOVERNMENT WAS ESTABLISHED FOLLOWING THE SEIZURE OF POWER BY THE SUPREME COMMAND AND SENIOR LEADERS OF THE ROYAL THAI ARMED FORCES ON OCTOBER 6, 1976. THE TAKEOVER FOLLOWED A SERIES OF PUBLIC DEMONSTRATIONS AND VIOLENCE WHICH THE IMMEDIATELY PRECEDING GOVERNMENT SEEMED UNABLE TO CONTROL. THE THAI MILITARY CONTINUE TO EXERCISE INFLUENCE ON THE GOVERNMENT THROUGH THE PRIME MINISTER'S ADVISORY COUNCIL, WHOSE ROLE AND FUNCTIONS ARE SET FORTH IN ARTICLE 18 OF THE CONSTITUTION.

D. AT THIS POINT THAILAND HAS NO POLITICAL PARTIES. ALL POLITICAL PARTIES IN EXISTENCE ON OCTOBER 6, 1976, WHEN THE THAI MILITARY SEIZED POWER, WERE FORMALLY DISSOLVED BY A DECREE DATED OCTOBER 6 AND PROMULGATED BY THE NATIONAL ADMINISTRATIVE REFORM COUNCIL (NARC), WHICH IN TURN DISSOLVED ITSELF ON OCTOBER 22. HOWEVER, THE NARC HAD PROVIDED THAT DECREES AND ORDERS ISSUED BY IT WOULD REMAIN IN EFFECT UNTIL DISSOLVED BY COMPETENT AUTHORITY SUBSEQUENTLY. THUS, POLITICAL PARTIES REMAIN FORMALLY PROHIBITED IN THAILAND.

E. THAILAND RETAINS ITS INDEPENDENT JUDICIARY, UNCHANGED DESPITE THE EVENTS OF OCTOBER 6.

F. THAILAND HAS OVER 500 DAILY, WEEKLY, AND PERIODICAL PUBLICATIONS IN THAI, ENGLISH, AND CHINESE. OF THE 26 DAILY NEWSPAPERS IN THE THAI, CHINESE AND ENGLISH LANGUAGES PUBLISHING ON OCTOBER 6, ALL BUT 9 ARE PUBLISHING TODAY. THOSE DENIED PERMITS TO PUBLISH

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SINCE OCTOBER 6 INCLUDE SIX CHINESE LANGUAGE PAPERS REFLECTING A PEKING LINE AND FOUR PAPERS IN THE THAI LANGUAGE CONSIDERED LEFTIST, INCLUDING A STUDENT PAPER WHICH APPEARED TWICE WEEKLY. THERE IS NO SYSTEM OF PRIOR CENSORSHIP ON SUCH PUBLICATIONS, BUT A PRESS CODE, ISSUED ON OCTOBER 11, SETS OUT A SERIES OF GUIDELINES WHICH PROHIBIT THE PUBLICATION OF MATERIAL INSULTING TO THE KING AND THE ROYAL FAMILY;

SLANDERING THE THAI NATION, PEOPLE, OR GOVERNMENT; ENCOURAGING THE GROWTH OF COMMUNISM; DAMAGING NATIONAL CULTURE OR PUBLIC MORALITY; OR REVEALING OFFICIAL SECRETS. VIOLATION OF THE GUIDELINES MAY RESULT IN A WARNING, CONFISCATION OF A GIVEN ISSUE OF A PUBLICATION OR THE REVOCATION OF ITS LICENSE. SO FAR THIS HAS HAPPENED RARELY SINCE OCT. 6. ONE NEWSPAPER HAS BEEN TEMPORARILY SHUT DOWN AS WARNING; 10 PAPERS HAVE BEEN SUSPENDED INDEFINITELY. AS THE THAI RADIO AND TELEVISION MEDIA ARE OWNED AND CONTROLLED BY THE GOVERNMENT, THEIR CONTENT IS CONTROLLED BY MEASURES INTERNAL TO THEM.

II. LEGAL SITUATION

THE MILITARY SEIZURE OF POWER ON OCTOBER 6 HAS INVOLVED ONLY LIMITED CHANGES IN THE THAI LEGAL SITUATION. AS NOTED ABOVE, A NEW CONSTITUTION HAS BEEN PROMULGATED, BUT THE EXISTING STRUCTURE OF GOVERNMENT DEPARTMENTS AND OF THE COURTS HAS NOT BEEN CHANGED. THE THAI JUDICIAL SYSTEM REMAINS INDEPENDENT, AS PROVIDED IN ARTICLE 23 OF THE CONSTITUTION, AND INCLUDES A SUPREME COURT APPOINTED BY THE KING.

II. OBSERVANCE OF INTERNATIONALLY- RECOGIZED HUMAN RIGHTS AND FREEDOMS'

A. THE MILITARY SEIZURE OF POWER ON OCTOBER 6 RESULTED IN THE END OF THE THAI "DEMOCRATIC EXPERIMENT", WHICH LASTED FROM OCTOBER, 1973, TO OCTOBER, 1976. AS NOTED ABOVE, THAI POLITICAL PARTIES HAVE BEEN DISSOLVED, AND NONE IS AUTHORIZED AT THIS POINT; THE THAI PRESS IS SUBJECT TO GUIDELINES WHICH TEND TO LIMIT CONFIDENTIAL

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THE MATERIAL IT MAY CARRY; THE MANNER OF EXPRESSION OF POLITICAL VIEWS IN THAILAND HAS BEEN MANIFESTLY SUBDUED AS A CONSEQUENCE. IN PRIVATE CONVERSATION THAI STILL SPEAK FREELY, AND OCCASIONALLY CRITICALLY OF THE GOVERNMENT, THOUGH ON PUBLIC OCCASIONS THEY RARELY DO SO. B. AS A CONSEQUENCE OF DISORDERS THAT ERUPTED BETWEEN STUDENTS AND POLICE AT THAMMASAT UNIVERSITY IN BANGKOK ON OCTOBER 6, PRIOR TO THE MILITARY SEIZURE OF POWER, THE POLICE HAVE REPORTED THAT A TOTAL OF 3221 PERSONS WERE ARRESTED IN THAT CONNECTION. AS OF MID-NOVEMBER, 1976, ALL BUT 331 OF THE 3221 HAD BEEN RELEASED. POLICE SOURCES HAVE INFORMED THE EMBASSY THAT BETWEEN 100 AND 200 OF THOSE ARRESTED OCTOBER 6 WILL ULTIMATELY BE BROUGHT TO TRIAL ON CHARGES RANGING FROM LESE MAJESTE (INSULTING THE ROYAL FAMILY), TO INCITING TO RIOT, TO ENGAGING

IN SUBVERSIVE ACTIVITIES.

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C. UNDER ORDER NO. 22, PROMULGATED BY THE NARC ON OCTOBER 13, (TEXT REPORTED BY FBIS), NINE CATEGORIES OF OFFENSES AGAINST THE "PEOPLE'S PEACE AND HAPPINESS" WERE SET FORTH, WHICH MAY SERVE AS THE BASIS FOR ARREST OF PERSONS CONSIDERED GUILTY OF SUCH OFFENSES. SIX OF THE CATEGORIES INVOLVE COMMON CRIMINAL ACTIVITY (E.G., INTIMIDATING OR FRIGHTENING OTHERS, VAGRANCY, ILLEGAL POSSESSION OF WEAPONS, ILLEGAL GAMBLING OR PROSTITUTION, HOARDING GOODS OR ILLEGALLY RAISING PRICES, OR EARNING A LIVING THROUGH PRACTICES THAT RUN COUNTER TO PUBLIC ORDER. THREE OF THE CATEGORIES POTENTIALLY INVOLVE ESSENTIALLY POLITICAL CONDUCT (E.G., INSTIGATING CONFUSION OR UNREST, ADVOCATING POLITICAL SYSTEMS OTHER THAN THAT OF DEMOCRACY HEADED BY THE KING, AND STAGING LABOR STRIKES).

D. ON NOVEMBER 17 ACTING DIRECTOR-GENERAL OF POLICE MONCHAI PHANKHONGCHUN STATED PUBLICLY THAT 4029 PERSONS HAVE BEEN DETAINED UNDER ORDER NO. 22. IN A PRIVATE CONVERSATION ON NOVEMBER 22 A SENIOR POLICE OFFICER STATED THAT APPROXIMATELY 1000 OF THE 4029 ARRESTED HAD BEEN DETAINED ON ESSENTIALLY POLITICAL CHARGES. DETAINEES UNDER ORDER NO. 22 ARE PRESENTLY BEING HELD IN POLICE STATIONS THROUGHOUT THE COUNTRY. UPON COMPLETION OF THEIR INTERROGATION, THEY WILL

EITHER BE RELEASED, SENT TO VOCATIONAL TRAINING
CENTERS (FOUR ARE TO BE ESTABLISHED THROUGHOUT
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THE COUNTRY), OR CHARGED WITH SPECIFIC CRIMINAL
OFFENSES AND BROUGHT TO TRIAL.

E. HUMAN RIGHTS AND FREEDOMS ARE NOT REFERRED TO IN
THE CONSTITUTION OF OCTOBER 22, 1976, ALTHOUGH ARTICLE
2 PROVIDES THAT, "THAILAND FOLLOWS A DEMOCRATIC FORM
OF GOVERNMENT WITH THE KING AS HEAD OF STATE." HOWEVER,
BEYOND THE EXISTING LIMITATIONS ON FREEDOM OF SPEECH
AND THE PRESS, THERE IS LITTLE EVIDENCE OF RACIAL
DISCRIMINATION OR OF RELIGIOUS INTOLERANCE IN THAILAND.

F. WHILE THE FOREGOING CONVEYS THE FACTUAL SITUATION
CONCERNING THE EXERCISE OF HUMAN RIGHTS IN THAILAND, IT
DOES NOT FULLY CONVEY THE GENERAL ATMOSPHERE. MANY THAI
WELCOMED THE MILITARY SEIZURE OF POWER AS BRINGING AN
END TO THREE YEARS OF DOMESTIC INSTABILITY. THAILAND
IS NOT RPT NOT A "POLICE STATE" IN ANY SENSE OF THE WORD.
THE NEW GOVERNMENT HAS SET OUT TO APPLY A STRONGER TOUCH
TO THE MAINTENANCE OF LAW AND ORDER THAN PREVIOUS
THAI GOVERNMENTS DID. ONE MEASURE ADOPTED HAS BEEN
A MIDNIGHT TO 0430 CURFEW FOR BANGKOK. THIS MEASURE,
WHICH HAS CERTAINLY INTERFERED WITH BANGKOK'S SWING-
ING NIGHT LIFE, HAS BEEN SURPRISINGLY WELL-ACCEPTED,
AND MIDNIGHT FINDS THE STREETS OF THE CAPITAL DESERTED,
APART FROM POLICE PATROLS. MOREOVER, ROBBERIES AND
HOUSE BREAK-IN'S (MOST OF WHICH OCCURRED
BETWEEN 0200 AND 0300 IN THE PAST) HAVE DECLINED
BY ALMOST 50 PERCENT WHILE MURDER HAS ALSO
DECLINED BY ABOUT HALF, SINCE OCTOBER 6. THE POLICE
HAVE ANNOUNCED THEY WILL ARREST MOTORISTS WHO DO NOT
STOP FOR PEDESTRIANS CROSSING THE STREET AT ESTABLISHED
CROSSWALKS. PRACTICE CURRENTLY IS STILL NOT PERFECT,
BUT ONE USUALLY SEES VEHICLES STOP AT CROSSWALKS.
THIS ALMOST NEVER HAPPENED PRIOR TO OCTOBER 6.

IV. OTHER HUMAN RIGHTS REPORTING

A. SINCE THE MILITARY TAKE-OVER OF OCTOBER 6, THERE
HAVE BEEN NUMEROUS ARTICLES PUBLISHED IN THE FOREIGN
PRESS REGARDING THE SITUATION IN THAILAND, SOME OF WHICH HAVE
BEEN CRITICAL OF THE NEW REGIME'S PERFORMANCE IN THE
FIELD OF HUMAN RIGHTS. ARTICLES PUBLISHED IN TIME
MAGAZINE AND IN THE FAR EASTERN ECONOMIC REVIEW ON
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THAILAND HAVE BEEN CUT OUT OF EDITIONS OF THESE PUBLICATIONS IMPORTED INTO THAILAND IN BULK AND REMAILED HERE, ALTHOUGH COPIES OF THE SAME MAGAZINES, SENT INTO THAILAND IN INDIVIDUAL, PLAINPAPER WRAPPINGS, HAVE BEEN DELIVERED WITHOUT INCIDENT.

B. NO FOREIGN JOURNALIST HAS BEEN EXPELLED FROM THAILAND SINCE OCTOBER 6 NOR HAS ANY COMPLAINED TO THE EMBASSY OF TAMPERING WITH HIS MAIL OR OF ANY ATTEMPT BY THE THAI AUTHORITIES TO CENSOR HIS COPY, WHETHER TRANSMITTED BY CABLE OR TELEPHONE.

WHITEHOUSE

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